


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JAN 29 2016

JULIA C. DUDLEY, CLERK  
BY:  CLERK

WAKEEL ABDUL-SABUR,  
Petitioner,

Civil Action No. 7:15 -cv-00695

v.

MEMORANDUM OPINION

HAROLD CLARKE,  
Respondent.

By: Hon. Michael F. Urbanski  
United States District Judge

Wakeel Abdul-Sabur, a Virginia inmate proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 to challenge his convictions entered by the Circuit Court for Albemarle County for credit card theft and forgery. Court records indicate that Petitioner previously filed a § 2254 petition about the same convictions in Abdul-Sabur v. Commonwealth of Virginia, Civil Action No. 7:08-cv-00230 (W.D. Va. Apr. 17, 2008). Thus, Petitioner's current petition is a subsequent one, falling under the prohibition in 28 U.S.C. § 2244(b) against a second or successive petition. Cf. United States v. Hairston, 754 F.3d 258, 262 (4th Cir. 2014). Pursuant to this section, a federal district court may consider a second or successive § 2254 petition only upon specific certification from a United States Court of Appeals that claims in the subsequent petition meet certain criteria. 28 U.S.C. § 2244(b). Petitioner does not establish that the instant petition is not successive or that he has obtained certification by the Fourth Circuit Court of Appeals. See, e.g., In re Williams, 444 F.3d 233, 235 (4th Cir. 2006). Accordingly, the court dismisses the petition without prejudice as successive. Based upon the finding that Petitioner has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

ENTER: This 29<sup>th</sup> day of January, 2016.

  
United States District Judge